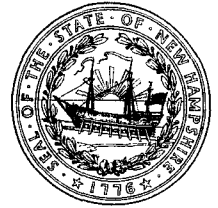




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

February 23, 2005

Mr. Ken Grasset
Harvey Construction Corporation
10 Harvey Road
Bedford, New Hampshire 03110

CERTIFIED MAIL (7099 3400 0018 1290 2568)
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

RE: Improper Asbestos Removal at St. Joseph's Hospital, Nashua, NH

Dear Mr. Grasset:

On October 25, 2004 the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), received a telephone call from Alan Grinnell of ALG Consulting ("ALG"). ALG was hired by St. Joseph's Hospital, 172 Kinsley Street, Nashua, NH (the "Hospital") to abate asbestos in an entryway that was being demolished at the Hospital, and to perform an asbestos survey throughout the building that will be involved in a renovation/demolition project currently underway at the Hospital. Harvey Construction Corporation ("Harvey") was hired to build an addition to the Hospital, and subcontracted with Kidder Building and Wrecking ("Kidder") to demolish two entryways leading to the existing portion of the Hospital. Mr. Grinnell reported that during the demolition project, asbestos containing material ("ACM") had been discovered in the demolition debris and in the floor tile found beneath the carpeting in an entryway. The demolition project was stopped when the ACM was discovered.

On October 26, 2004 DES personnel visited the Hospital in order to determine conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. While at the Hospital, DES personnel met with you and, at your request, waived the ten-day notification period required before demolition activities begin. This was the third time in the past few months that the Hospital requested a waiver under the emergency asbestos abatement projects provisions for abatement activities at this site from DES. During the inspection, you provided the DES inspector with a copy of a letter given to you by Doug Hume, Plant Operations Supervisor at the Hospital. The letter informed you of the status of ACM in some areas of the Hospital, and stated that to the best of Mr. Hume's knowledge, there was no ACM in the Hospital entrance scheduled to be demolished. Both Harvey and subcontractor Kidder accepted Mr. Hume's letter without requiring an inspection by a competent person prior to undertaking the demolition activities as required by Env-A 1804.01. The demolition activities were halted when floor tile suspected of containing ACM was discovered beneath carpeting in an entryway. As a result of the inspection and of the information gathered, DES has determined that violations occurred.

The purpose of this letter is to notify you of the violations discovered during the inspection conducted on October 26, 2004. The specific violations are as follows:

- Env-A 1804.01 requires that before undertaking any demolition or renovation, each facility operator shall provide for an inspection, by a competent person, of the affected portion(s) of the facility for the presence of ACM. Env-A 101.80 defines a competent person as someone capable of identifying asbestos hazards and who has completed, at a minimum, a training course for asbestos inspectors.
- Env-A 1805.09(a) requires that prior to any demolition, all regulated asbestos containing material must be removed in accordance with the applicable provisions of Env-A 1800.

Since ALG has been hired by the Hospital to complete the asbestos abatement, no further action related to the listed violations is required. However, DES wants to make it clear that there are requirements for proper asbestos abatement. DES believes that Harvey can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Air Resources Division, Compliance Bureau, at (603) 271-1373.

Sincerely,

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enclosure: Env-A 1800
List of asbestos abatement contractors

cc: W. Toland, EPA Region 1
G. Hamel, Legal Unit Administrator
D. Hume, St. Joseph's Hospital
Kidder Building and Wrecking
R. Marcum, Nashua Building Inspector
AFS # 3300083333